

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

LUIS A. ACEVEDO-GARCIA, et al.,

Plaintiffs

v.

CIVIL NO. 97-2639 (JP)

HON. ROBERTO VERA-MONROIG, et al.,

Defendants

**ORDER**

The Court has before it several motions filed by Plaintiffs (**Nos. 559, 570, 574 and 575**) to enforce payment, as well as Defendants' motion submitting their proposed payment plan (No. 555) and a reply to Plaintiffs' motions to enforce payment (No. 572). The Court hereby **NOTES** Plaintiffs' motions and **ENTERS** the following findings:

On January 11, 2008, this Court issued an Order (No. 524) granting Plaintiffs' motion (No. 491) for execution of this Court's Final Judgment. In said Order, Defendants were required to pay Plaintiffs the amount of \$620,000.00 on or before March 15, 2008. Also by March 15, 2008, Defendants were ordered to produce a detailed payment plan outlining their timetable for payment of the outstanding amount of the Final Judgment. Defendants filed their payment plan on March 18, 2008 (No. 555), and on March 20, 2008, Plaintiffs filed their objection (No. 559) to said plan.

CIVIL NO. 97-2639 (JP)

-2-

On June 16, 2008, Plaintiffs filed a motion (No. 570) informing the Court of the death of Plaintiff Betancourt Ortiz. In this same motion, Plaintiffs requested that at least one third of the 2008-2009 budget of the Municipality of Adjuntas be reserved for the payment of the Final Judgment. Defendants filed a reply on June 30, 2008 (No. 572), which Plaintiffs opposed on that same day (docket 573).

On July 7, 2008, Plaintiffs filed a motion reiterating their petition for execution of judgment (No. 574). On August 4, 2008, Plaintiffs filed another motion (No. 575) reiterating their request that one third of the 2008-2009 budget be allocated for the payment of the final judgment. Plaintiffs also inquired why, if the Municipality of Adjuntas states that they have the capacity to pay between \$620,000.00 and \$1,155,000.00 annually, over a period of fourteen years, they do not request a loan from the State Government Development Bank and/or a private bank that could grant them a loan for a period of thirty years with a smaller annual disbursement. Plaintiffs' last two motions have been unopposed by Defendants.

The Court notes that in its 2008-2009 budget, the Municipality of Adjuntas proposed a payment of \$620,000.00, with the condition that this payment be disbursed on May 15, 2009, because there is a limitation on disbursements imposed by law during an election year. P.R. Laws Ann., tit. 21, § 4359. This cited law states that during the year in which elections are held, only fifty percent of the total budget can be used between the first of July until the day that the

CIVIL NO. 97-2639 (JP)

-3-

newly elected officials assume their positions. However, this limitation does not apply to the payment of a judgment.

Therefore, the Court hereby **ORDERS:**

- (1) **On or before September 15, 2008**, Defendants **SHALL** deposit the amount of **\$620,000.00** with the Clerk of the Court for the eventual disbursement to Plaintiffs. Defendants are warned that failure to comply with this Order will result in a penalty of \$1,000.00 per day late.
- (2) **Also on or before September 15, 2008**, Defendants are to file an informative motion explaining why, if they have the economic capacity to pay the outstanding balance of the Final Judgment as they represent, they do not obtain a loan that will allow Plaintiffs to receive the full payment of the Final Judgment (No. 490) and also allow Defendants more time to pay said amount with a smaller annual disbursement.

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, this 29<sup>th</sup> day of August, 2008.

s/Jaime Pieras, Jr.  
JAIME PIERAS, JR.  
U.S. SENIOR DISTRICT JUDGE